

UNITED STATES BANKRUPTCY COURT
District of Minnesota

In Re:

CHAPTER 13 PLAN**HENRY CARL BUCHMEIER****2891****DARLENE LUCILLE BUCHMEIER****9336**

Dated: 09/02/2004

Case No. 04-31943

DEBTOR

In a joint case,

debtor means debtors in this plan.

1. PAYMENTS BY DEBTOR -

- a. As of the date of this plan, the debtor has paid the trustee **\$500.00**.
- b. After the date of this plan, the debtor will pay the trustee **\$400.00** per **Month** for **42** months, beginning within 30 days after the filing of this plan for a total of **\$16,800.00**
- c. The debtor will also pay the trustee: **\$0.00**
- d. The debtor will pay the trustee a total of **\$17,300.00** [line 1(a) + line 1(b) + line 1(c)].

- 2. PAYMENTS BY TRUSTEE -** The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 5.30% for a total of **\$1,730.00** [line 1(d) x .10] or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

- 3. PRIORITY CLAIMS -** The trustee shall pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
Attorney Fees	\$ 444.00	\$ 225.00	1	1	\$ 225.00
		\$ 219.00	2	1	\$ 219.00
TOTAL					\$ 444.00

- 4. LONG-TERM SECURED CLAIMS NOT IN DEFAULT -** The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

Name of Creditor	Description Of Property
BANK MIDWEST	2000 CHRYSLER CONVERTIBLE
GREENTREE FINANCIAL	1996 SCHULT MOBILE HOME

- 5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] -** The trustee will cure defaults (plus interest at the rate of 0.00 percent per annum) on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
None					

- 6. OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322(b)(5)] -** The trustee will cure defaults (plus interest at the rate of 0.00 percent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
None					

- 7. OTHER SECURED CLAIMS [§ 1325(a)(5)] -** The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 0.00 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. § 506(a).

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
None						

8. **SEPARATE CLASS OF UNSECURED CREDITORS** - In addition to the class of unsecured creditors specified in ¶ 9, there shall be a separate class of nonpriority unsecured creditors described as follows: (Cosigned debts shall be paid at the contract rate of interest.):

Classification
None

Creditor

- a. The debtor estimates that the total claims in this class are **\$0.00**
b. The trustee will pay this class **\$0.00**

9. **TIMELY FILED UNSECURED CREDITORS** - The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 5, 6, 7 and 8 their pro rata share of approximately **\$15,126.00**, [line 1(d) minus lines 2, 3(e), 5(d), 6(d), 7(d) and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are **\$0.00**
b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are **\$ 26,571.37**
c. Total estimated unsecured claims are **\$26,571.37** [line 9(a) + line 9(b)].

10. **TARDILY-FILED UNSECURED CREDITORS** - All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 5, 6, 7, 8 or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

11. **OTHER PROVISIONS -**

- A. **DEBTORS WILL CONTRIBUTE ALL PROJECTED MONTHLY DISPOSABLE INCOME TO THE CHAPTER 13 TRUSTEE FOR DISTRIBUTION TO THEIR CREDITORS FOR THE FIRST 36 MONTHS OF THE CHAPTER 13 PLAN. DEBTORS WILL CONTRIBUTE ALL PROJECTED TAX REFUNDS TO THE CHAPTER 13 TRUSTEE FOR DISTRIBUTION AMONG THEIR CREDITORS FOR THE FIRST 36 MONTHS OF THE CHAPTER 13 PLAN.**
B. **DEBTORS WILL MAKE THEIR VEHICLE PAYMENT TO BANK MIDWEST DIRECTLY AS THEY HAVE OBTAINED A VERY GOOD INTEREST RATE ON SAID VEHICLE AND THE VALUE OF THE VEHICLE EXCEEDS THE DEBT AGAINST IT.**
C. **DEBTORS WILL MAKE THEIR MONTHLY HOME MORTGAGE PAYMENTS TO GREENTREE FINANCIAL DIRECTLY.**
D. **TARDILY FILED CLAIMS SHALL NOT RECEIVE ANY DISTRIBUTION WHATSOEVER.**

12. **SUMMARY OF PAYMENTS -**

Trustee's Fee [Line 2]	<u>\$1,730.00</u>
Priority Claims [Line 3(e)]	<u>\$444.00</u>
Home Mortgage Defaults [Line 5(d)]	<u>\$0.00</u>
Long-Term Debt Defaults [Line 6(d)]	<u>\$0.00</u>
Other Secured Claims [Line 7(d)]	<u>\$0.00</u>
Separate Class [Line 8(b)]	<u>\$0.00</u>
Unsecured Creditors [Line 9(c)]	<u>\$15,126.00</u>
TOTAL [must equal Line 1(d)]	<u>\$17,300.00</u>

STEPHEN J. BEHM
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ESKENS, GIBSON & BEHM LAW FIRM, CHTD.
115 EAST HICKORY STREET, SUITE 200
P.O. BOX 1056
MANKATO, MN 56002-1056
TELEPHONE: (507) 345-5500

Signed: HENRY CARL BUCHMEIER
HENRY CARL BUCHMEIER, DEBTOR

Signed: DARLENE LUCILLE BUCHMEIER
DARLENE LUCILLE BUCHMEIER, JOINT DEBTOR

UNITED STATE BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:

HENRY CARL BUCHMEIER AND
DARLENE LUCILLE BUCHMEIER,

SIGNATURE DECLARATION

DEBTOR(S).

CASE NO. 04-31943

☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☒ AMENDMENTS TO PETITION, SCHEDULES AND STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN

I [We], the undersigned debtor(s) or authorized representative of the debtor, *make the following declarations under penalty of perjury:*

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or Chapter 13 Plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or Chapter 13 Plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor

Date: 9-3, 2004

X Henry Buchmeier
Signature of Debtor or Authorized Individual

Henry Carl Buchmeier
Printed Name of Debtor or Authorized Individual

X Darlene Buchmeier
Signature of Joint Debtor

Darlene Lucille Buchmeier
Printed Name of Joint Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

IN RE:

BKY. NO. 04-31943

HENRY CARL BUCHMEIER AND
DARLENE LUCILLE BUCHMEIER,

**UNSWORN CERTIFICATE
OF SERVICE**

DEBTOR(S).

I, Stephen J. Behm, attorney with Eskens, Gibson & Behm Law Firm, Chtd., 115 East Hickory Street, Suite 200, P.O. Box 1056, Mankato, MN 56002-1056, declare that on September 7, 2004, I mailed copies of the attached **Notice of Filing of Modified Plan and Hearing, Modified Chapter 13 Plan, Amended Schedules "I" and "J" and Signature Declaration** by first class mail postage prepaid to each entity named below at the addresses stated below for each entity.

Michael J. Farrell, Chapter 13 trustee, P.O. Box 519, Barnesville, MN 56514.

U.S. Trustee, 1015 U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

Henry and Darlene Buchmeier, 51 East Ken Rue Lane, Fairmont, MN 56031.

All parties on the debtors' creditor matrix (See attached listing).

Dated: this 7th day of September, 2004.

ESKENS, GIBSON & BEHM LAW FIRM, CHTD.

/s/ Stephen J. Behm

Stephen J. Behm

115 East Hickory Street, Suite 200

P.O. Box 1056

Mankato, MN 56002-1056

Telephone: (507) 345-5500

Attorney ID #0263758

Creditor list for:

Return to Previous Page

Debtor Name **BUCHMEIER, HENRY CARL; Chapter 13**

Creditor	ID #
GREEN TREE LOAN CO GREEN TREE SERVICING LLC 345 ST PETER ST ST PAUL MN 55102-1211	5973466
AMERICAN EXPRESS CENTRUIAN BK C/O BUCKET & LEE LLP PO BOX 3002 MALVERN PA 19355-0701	5953266
DISCOVER BANK DISCOVER FINANCIAL SERVICES PO BOX 8003 HILLIARD OH 43026	5952051
MN DEPT OF REVENUE BANKRUPTCY SECTION PO BOX 64447 ST PAUL MN 55164	5797714
STATE OF MINNESOTA DEPT OF MANPOWER SERVICES 390 N ROBERT ST ST PAUL MN 55101	5797713
UNITED STATES ATTORNEY 600 US COURTHOUSE 300 S 4TH ST MINNEAPOLIS MN 55415	5797712
UNITED STATES TRUSTEE 1015 US COURTHOUSE 300 S 4TH ST MINNEAPOLIS MN 55415	5797711
MARTIN COUNTY SHERIFF MARTIN COUNTY COURTHOUSE FAIRMONT MN 56031	5797710
UNIVERSAL CARD SERVICESAT&T P O BOX 44167 JACKSONVILLE FL 32231 4167	5797709
THE DEBT SETTLEMENT PROGRAM 5656 WEST 74TH STREET INDIANAPOLIS IN 46278	5797708

GREENTREE FINANCIAL
P O BOX 94710
PALATINE IL 60094 4710 5797707

ENROLLED CUSTOMER TRUST
P O BOX 781020
INDIANAPOLIS IN 46278 5797706

DISCOVER CARD SERVICES
P O BOX 15192
WILMINGTON DE 19850 5192 5797705

CITIBANK
ATTN CARD SERVICE CENTER
P O BOX 6077
SIOUX FALLS SD 57117 6077 5797704

CITI CARD SERVICES
P O BOX 6000
THE LAKES NV 89163 6000 5797703

BANK MIDWEST
118 DOWNTOWN PLAZA
FAIRMONT MN 56031 5797702

BALOGH BECKER LTD
4150 OLSON MEMORIAL HIGHWAY
SUITE 200
MINNEAPOLIS MN 55422 4804 5797701

AMERICAN EXPRESS
P O BOX 297874
FT LAUDERDALE FL 33329 5797700

U S Bankruptcy Court - District of Minnesota
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